

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SHAWN SULLIVAN, *et al.*,

Plaintiffs,

v.

DB INVESTMENTS, INC. *et al.*,

Defendants.

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Civil Action Index No.

04-CV-2819 (SRC)

DECLARATION OF JOSEPH J. TABACCO, JR.

I, Joseph J. Tabacco, Jr., declare as follows:

1. I am a partner at the law firm of Berman DeValerio. The facts set forth in this affidavit are based on my personal knowledge.

2. I was one of plaintiffs' counsel in a case styled *Sullivan v. DB Investments, Inc.* (Case No. 04-2819 (SRC) in the United States District Court for the District of New Jersey). I played a significant role in the prosecution and ultimately the settlement of the *Sullivan* case.

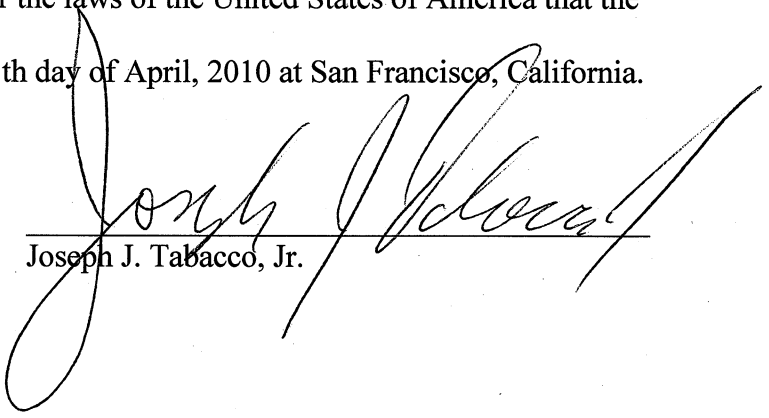
3. Counsel for plaintiffs in *Sullivan* retained Gary L. French, Ph.D. to assist in the prosecution of these claims. Dr. French later provided expert economic opinions with respect to settlement issues on behalf of all plaintiffs.

4. To my knowledge the last work of any kind that Dr. French completed in *Sullivan*, at the direction of plaintiffs' counsel on behalf of all plaintiffs, was the Supplemental Affidavit of Gary L. French, Ph.D. Regarding Class Certification Issues. That affidavit is dated April 4, 2008. Dr. French's assignment to prepare this affidavit was the final assignment that plaintiffs' counsel asked him to perform in *Sullivan*.

5. Plaintiffs' counsel has paid Dr. French's final invoice for his work in *Sullivan*.

Although the appeal of the objectors to the settlement in *Sullivan* is pending before the United States Court of Appeals for the Third Circuit, plaintiffs' counsel has not asked Dr. French to do any other work in *Sullivan* since April 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 13th day of April, 2010 at San Francisco, California.



Joseph J. Tabacco, Jr.